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REMARKS

In this Response, Applicants submit corrected drawings for Figs. 2-4, amend the specification, and traverse the Examiner's rejections. Silence with regard to any of the Examiner's rejections should not be construed as acquiescence to any of the rejections. Specifically, silence with regard to any of the rejections of the dependent claims that depend from an independent claim considered by the Applicant to be allowable based on the Remarks provided herein should not be construed as acquiescence to any of the rejections. Rather, silence should be construed as recognition by the Applicant that the previously lodged rejections are moot based on the Remarks submitted by the Applicant relative to the independent claim from which the dependent claims depend. Applicant reserves the option to further prosecute the same or similar claims in the instant or a subsequent application. Claims 1-7 are pending in the present application.

Petition for Extension of Time

As provided in accompanying documents, Applicant requests a one-month extension of time under 37 C.F.R. § 1.136(a) in which to respond to the present Office Action.

Office Action ¶ 3

As provided in accompanying drawings, Applicant amends the drawings for Figs. 2-4 to address the objections raised by the Draftsperson.

Applicant considers the corrected drawings to comply with 37 C.F.R. § 1.84.

Office Action ¶ 4

As provided herein, Applicant amends the specification to include a reference to U.S. Provisional Patent Application Serial No. 60/235,491, to which the present application claims priority.

With respect to the Examiner's question about inventorship, Applicant notes that 37 C.F.R. § 1.78(a)(4) provides that a nonprovisional application can claim the benefit of a prior-filed provisional application provided that the prior-filed provisional application names as an

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inventor at least one inventor named in the nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the nonprovisional application. Applicant also notes that Melanie Russell is named as an inventor of both the present application and the '491 provisional application. Accordingly, Applicant considers the priority claim of the present application to the '491 provisional application to be consistent with 37 C.F.R. § 1.84.

Office Action ¶¶ 5 and 6

At the suggestion of the Examiner, Applicant amends the title of the application to be more descriptive and the specification to indicate the use of the trademarks I/A SERIES ® and CONNOISSEUR ®.

Office Action ¶¶ 7-10

The Examiner rejected independent claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admissions of the prior art ("Applicant's Admissions") in view of Beaverstock.

The Examiner also rejected dependent claims 2-7 under 35 U.S.C. § 103(a) as being unpatentable over one or more of Applicant's Admissions, Beaverstock, Hansen, and Taulbee.

Applicant's independent claim 1 is directed to a method of monitoring a cement production process having a kiln. Among other things, Applicant's independent claim 1 includes *computing clinker production* at the kiln output, *computing the cost of clinker* based on the computed clinker production, and *displaying one or more of the clinker production and the cost of clinker as a function of time*.

The Examiner states that Applicant's Admissions on page 1, lines 11-15, page 8, lines 19-23, page 9, lines 16-23, and in Fig. 1 of the present application disclose the feature of Applicant's independent claim 1 directed to "computing clinker production at the kiln output." The Examiner also states that Applicant's Admissions on page 1, lines 12-22, page 8, lines 19-23, page 9, lines 16-23, and in Fig. 1 of the present application disclose the feature of Applicant's claim 1 directed to "computing the cost of clinker based on the computed clinker production."

Applicant respectfully disagrees with the Examiner's characterizations of Applicant's

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Admissions on pages 1, 8, and 9 and in Fig. 1 of the present application. Applicant notes that Applicant's Admissions on page 1 disclose only "counting the amount of *product* produced" and "calculating a cost per unit *product*" for a process plant that produces *that product*. Applicant also notes that Applicant's Admissions on pages 8 and 9 and in Fig. 1 describe only manufacturing and material flow in a cement production process and not measurements. At most, Applicant's Admissions teach only computing the *amount of product produced and the cost of the amount of product produced* for the cement production process of Fig. 1. Since cement is the product produced in a cement production process, Applicant's Admissions teach at most computing the *amount of cement produced and the cost of the amount of cement produced in a cement production process*. Applicant's Admissions do not contain any teaching directed to computing the *amount of an intermediate produced or the cost of the amount of the intermediate produced* in a process plant that produces a product, such as Applicant's claimed intermediate product (i.e., clinker produced at a kiln output). As such, Applicant's Admissions do not teach the features of Applicant's claim 1 directed to *computing clinker produced at a kiln output* and *computing the cost of the clinker produced at the kiln output* for a cement production process.

As for Beaverstock, Beaverstock does not contain any teaching directed to computing clinker produced at a kiln output and the cost of clinker produced at the kiln output in a cement production process. As such, Beaverstock does not teach the features of Applicant's independent claim 1 directed to *computing clinker produced at a kiln output or computing the cost of the clinker produced at the kiln output* for a cement production process.

Applicant notes that, regardless of whether one or more of the cited references may teach computing an intermediate product produced and/or the cost of the intermediate product produced in a process plant (and Applicant does not admit that any of the cited references so teaches), none of the cited references contains any teaching directed to either Applicant's claimed intermediate product to be monitored in a cement production process (i.e., clinker produced at a kiln output) or how to determine which intermediate product to be monitored in a cement production process. As such, none of the cited references contains any teaching directed to the features of Applicant's claim 1 that include *computing clinker produced at a kiln output* or *computing the cost of the clinker produced at the kiln output* in a cement production process. Since none of the cited references teaches these features of Applicant's independent claim 1, none of the cited references can teach the feature of Applicant's independent claim 1 directed to

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displaying one or more of the clinker produced and the cost of the clinker produced at a kiln output. As such, none of the cited references teaches any of the features of Applicant's independent claim 1

As the Examiner knows, the Examiner must show that all of the features of Applicant's claims are satisfied by the cited references to establish a prima facie cases of obviousness under 35 U.S.C. § 103(a). As provided herein, none of the cited references, whether considered separately or in combination, teaches all of the features of Applicant's independent claim 1. The Examiner thus fails to provide prima facie cases of obviousness for at least this reason. Applicant's failure to address the motivation and reasonable expectation of success elements of 35 U.S.C. § 103(a) should not be interpreted as an admission that such elements are satisfied, but rather as a recognition by the Applicant that such elements are moot given the Examiner's failure to provide a showing of all of the features of Applicant's independent claim 1.

Accordingly, Applicant considers independent claim 1 to be allowable. Since claims 2-7 depend from independent claim 1, Applicant also considers claims 2-7 to be allowable based on their dependency from an allowable base claim.

Based on the foregoing Amendment and Remarks, Applicant traverses the Examiner's rejection of claims 1-7 under 35 U.S.C. § 103(a).

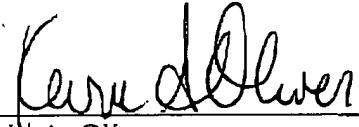
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CONCLUSION

Applicant considers the Response herein to be fully responsive to the present Office Action. Based on the foregoing Amendment and Remarks, Applicant respectfully submits that this application is in condition for allowance. Accordingly, Applicant requests allowance. Applicant invites the Examiner to contact the Applicant's undersigned Attorney if any issues are deemed to remain prior to allowance.

Respectfully submitted,
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Date: November 7, 2003



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